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Robert L. Ele v. Utah Board of Pardons : Unknown

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Robert Ele; Utah Correctional Facility; Respondent Pro Se.

Paul Van Dam; Utah Attorney General; Lorenzo K. Miller; Assistant Attorney General; Attorneys for Petitioners.

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BRIEF

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CLERK SUPREME COURT
UTAH

IN THE SUPREME COURT OF THE STATE OF UTAH

Robert L. Ele
Plaintiff/Respondent:
VS
State of Utah, Utah Board of
Pardons, et al
Defendants/Petitioners:

MEMORANDUM IN OPPOSITION
TO WRIT OF CERTIORARI
Case No. 9932
Judge

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The possibilities for abuse inherent in a Statute of Limitations placed on a system where the object or subject of a Writ is your captor and thus responsible for your access to pencils, paper, legal materials, the U.S. Mail and every other aspect of ones existence has been recognized by this Court.

Utah Code 77-27-5(3) Barred any Judicial Review from Parole decisions by the Utah Board of Pardons. Prior to the Foote decision in this Court (No. 900152) All actions against the Board of Pardons were summarily dismissed under this Code. Trying to apply a Statute of Limitations to something that did not exist-- Prior to Foote-- is a total absurdity, Plaintiff's Writ was filed in District Court in a timely manner following the Foote decision which makes the State's Contention a Moot Point.

As per Utah Senate and House minuetts of debate on Bill No. 245 submitted by State, it is quite obvious that the Legislation was directed at Capital Cases. Unfortunately, a scatter-gun approach was used that encompassed an entire group-- 99% of which are not among the target population. Senate Bill 245 should be declared unconstitutional and voided.

Based on the foregoing the State's Petition for Writ of Certiorari should be denied.

Dated and Signed this 2nd Day of May, 1992.